



arrested on an alleged escape charge in 1985.

It appears the petitioner is currently incarcerated in the Hardeman County Correctional Center. Pursuant to T.C.A. § 29-21-105, a petition for writ of habeas corpus should be filed with the court or judge nearest in distance to the petitioner. This was not done and the petitioner has failed to proffer a sufficient reason for not doing so in this case. Accordingly, the court below properly dismissed the petition for writ of habeas corpus without a hearing. See State ex rel. Byrd v. Bomar, 381 S.W.2d 280 (Tenn. 1964).

Furthermore, the trial court properly dismissed the petition for post-conviction relief. The petitioner is challenging aspects of his convictions from 1975 and 1976, as well as his arrest on the alleged escape charge in 1985. This petition is clearly barred by the statute of limitations and the petitioner has not satisfied an exception to the statute. T.C.A. § 40-30-202. Accordingly, the trial court properly dismissed the petition without a hearing. T.C.A. § 40-30-206(b). Nor has the petitioner met the requirements to re-open his prior petition for post-conviction relief. See T.C.A. § 40-30-217.

Having reviewed the entire record on appeal, and for the reasons stated above, it is hereby ORDERED that the state's motion is granted and the judgment of the trial court is affirmed pursuant to Rule 20, Rules of the Court of Criminal Appeals.

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PAUL G. SUMMERS, JUDGE

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DAVID G. HAYES, JUDGE

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JOE G. RILEY, JUDGE